

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

DANIEL JOSEPH MARTINEZ,

Petitioner,

v.

Civ. No. 20-0425 KG-CG

CHAD MILLER,

Respondent.

ORDER OF DISMISSAL

This matter is before the Court following Petitioner's failure to prosecute his 28 U.S.C. § 2241 Habeas Petition. (Doc. 1) (Petition). Petitioner is incarcerated and proceeding *pro se*. On April 11, 2022, the Court directed Petitioner to pay the \$5 habeas filing fee or file an *in forma pauperis* motion within thirty days. (Doc. 2). The Order warned that the failure to timely comply could result in dismissal of this case without further notice. Petitioner did not address the filing fee by the May 11, 2022 deadline or otherwise respond. Accordingly, the Court will dismiss the Petition without prejudice under Fed. R. Civ. P. 41(b) for "failure to prosecute [and] comply with the ... court's order." *Olsen v. Mapes*, 333 F.3d 1199, 1204 (10th Cir. 2003).

IT IS ORDERED:

1. Petitioner's 28 U.S.C. § 2241 Habeas Petition (Doc. 1) is dismissed without prejudice.
2. The Court will enter a separate judgment closing the civil habeas case.

  
UNITED STATES DISTRICT JUDGE